

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

In re:

JEREMY BRANDON MCDONALD,

Case No.: 24-80494-CRJ13

Chapter: 13

Debtor.

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**OBJECTION TO CONFIRMATION OF
CHAPTER 13 PLAN**

NewRez LLC d/b/a Shellpoint Mortgage Servicing (“Secured Creditor”), by and through undersigned counsel, hereby objects to confirmation of the Debtor's Chapter 13 Plan (the “Plan”) (Doc. No. 16) and in support thereof states:

1. Debtor's Bankruptcy Case: This case was commenced by the filing of a voluntary Chapter 13 petition on March 18, 2024 (the “Petition Date”) by Jeremy Brandon McDonald (the “Debtor”).

2. Collateral: Secured Creditor holds a lien against the Debtor's Property located at 105 Weeks Cir, Cullman, AL 35057 (the “Property”).

3. Secured Creditor's Claim: Secured Creditor has not yet filed a proof of claim but will do so prior to the expiration of the claims deadline. According to preliminary figures, the arrearage is \$6,584.11.

4. Plan Treatment: The Debtor's Plan provides a regular monthly payment of \$800.00 and a total arrears payment of \$4,516.00. However, these figures do not conform to Secured Creditor's anticipated Proof of Claim.

5. Pre-petition Arrearage: The Plan is not in compliance with the requirements of 11 U.S. C. § 1322(b)(3),(5) and 1325(a)(5)(A), and cannot be confirmed since it fails to

address the pre-petition arrearage due to Secured Creditor.

6. Prior Bankruptcies: This Chapter 13 case was filed on March 18, 2024. Debtor filed a prior case, 09-81389 on April 8, 2009, which was discharged on July 31, 2014. Debtor filed a second prior case, 23-82034 on November 3, 2023, which was dismissed on November 3, 2023, for other reason. Debtor filed a third prior case, 23-81085 on June 16, 2023, which was dismissed for other reason on November 3, 2023. These repeat filings evidence bad faith, the inability of Debtor to complete a Chapter 13 Bankruptcy and warrant denial of confirmation.

7. Secured Creditor does not Consent to the Plan: Secured Creditor does not consent to the treatment of its claim as proposed by the Debtor's Plan. Accordingly, the Plan cannot be confirmed pursuant to 11 U.S.C. § 1325(a)(5)(A).

8. Attorney's Fees and Costs: Secured Creditor has incurred additional fees and costs as a result of having to file this objection.

9. Objection: Secured Creditor reserves the right to supplement and/or amend this Objection to Confirmation.

WHEREFORE, the Secured Creditor requests that the Court enter an order denying confirmation of the Debtor's Chapter 13 Plan, unless such Plan is amended to overcome the objections of Secured Creditor as stated herein, and for such other and further relief as the Court deems just and proper.

McCalla Raymer Leibert Pierce, LLC

By:

/s/Jackson E. Duncan, III

Jackson E. Duncan, III

Alabama Bar No. 4919N67J

Attorney for Creditor

1544 Old Alabama Road

Roswell, GA 30076

Phone: 205-208-1804

Email: Jackson.Duncan@mccalla.com

CERTIFICATE OF SERVICE

I, Jackson E. Duncan, III, of MCCALLA RAYMER LEIBERT PIERCE, LLC, 1544 Old Alabama Road, Roswell, GA 30076-2102, certify:

That I am, and at all times hereinafter mentioned, was more than 18 years of age,

That on the date below, I served a copy of the within OBJECTION TO CONFIRMATION filed in this bankruptcy matter on the following parties at the addresses shown, by regular United States Mail, with proper postage affixed, unless another manner of service is expressly indicated:

Debtor's Attorney

Richard L Collins

Served via ECF: richard@rlcollins.com

Trustee

Michele T. Hatcher

Served via ECF: ecf@ch13decatur.com

and the following by regular U.S. Mail addressed to:

Debtor

Jeremy Brandon McDonald

124 County Road 248

Cullman, AL 35057

I CERTIFY UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on 04/24/2024
(date)

By: /s/Jackson E. Duncan, III
Jackson E. Duncan, III
Alabama BAR NO. 4919N67J
Attorney for Creditor

McCalla Raymer Leibert Pierce, LLC
1544 Old Alabama Road
Roswell, GA 30076
205-208-1804
Jackson.Duncan@mccalla.com